

FILED 08 SEP 25 12:06 USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY ALLEN LEWIS,
Petitioner,

Civil No. 08-3061-CL

v.

J. E. THOMAS,

ORDER

Respondent.

PANNER, Judge.

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

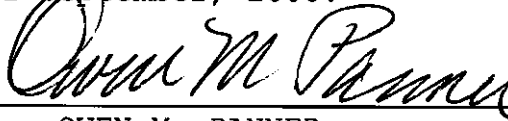
I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#5) is adopted. The petition (#2) is denied without prejudice to refile after petitioner has exhausted administrative remedies. All pending motions are denied as moot.

IT IS SO ORDERED.

DATED this 23 day of September, 2008.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
United States District Judge